



**CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA**



PLAN AMENDMENT REPORT

Meeting Date: September 17, 2012

Reference Name	Southpoint Trails (A1100005)	Jurisdiction	City
Applicant	Robert Shunk, Haden Stanziale		
Request Change in Comprehensive Plan Designation	From:	Low Density Residential (4 DU/Ac. or Less)	
	To:	Low-Medium Density Residential (4-8 DU/Ac.)	
Site Characteristics	Tier:	Suburban	
	Present Use:	Single-family residential	
	Present Zoning:	Rural Residential (RR)	
	Overlays:	Jordan Lake Protected Area (F/J-B)	
	Size:	27.49 acres	
Location	8512 NC Highway 751, west side of NC Highway 751 north of Stagecoach Road and south of Massey Chapel Road		
PIN(s)	0717-01-18-8624, -9997; 0717-01-28-3437; 0717-01-29-1326, -2079		
Recommendations	Staff	Denial, based on the request not being justified and not meeting the four criteria for plan amendments.	
	Planning Commission	Approval, July 10, 2012, 8-5, based on the justification, and meeting the four criteria for plan amendments.	

A. Summary

The proposed plan amendment would change the Future Land Use Map designation from Low Density Residential (4 DU/Ac. or Less) to Low-Medium Density Residential (4-8 DU/Ac.) for five parcels located on the west side of NC Highway 751 between Massey Chapel Road and Stagecoach Road. The total land area affected by the proposed plan amendment is 27.49 acres (excluding right-of-way) in the Suburban Tier and in the Jordan Lake Protected Area (F/J-B). There is a pending request for annexation into the City of Durham and an associated zoning map change application (Z1100017) for these parcels.

B. Site History

The site was designated Low Density Residential (1-4 DU/Ac.) on the Future Land Use Map in the *Triangle Township Plan* (1993). In 2003, Pulte Homes applied to change the zoning map designation to PDR 2.63; however, that case was withdrawn for unknown reasons shortly thereafter. The site is currently within Durham County jurisdiction; however, the applicants have petitioned for annexation into the City of Durham.

C. Existing Site Characteristics

Five parcels are included in the proposed project site, four of which have residential structures. These structures were built between the period of 1956 and 1998 and are set back from NC Highway 751 by a distance of at least 150 feet. The subject site is within the Jordan Lake Protection Area (F/J-B) and abuts land owned by the Army Corps of Engineers (the "Corps") which has been identified in the Natural Heritage Inventory as the Lower New Hope Creek Floodplain Forest and Slopes. Tributary streams and floodplain do not extend on to this site, and water features that were once mapped no longer appear visible from 2010 aerial photography. Though there are no steep slopes (>15% change in grade), the property generally slopes from higher elevations near the northeast corner of the site to lower elevations at the southwest corner of the site closest to the Corps' property. The site has mostly been planted with grass and cleared of trees; however, there are stands of mixed hardwoods and pines toward the western border of the site closest to the Corps' property. An isolated stand of trees surround the southernmost residential structure.

Segments of sidewalks exist along NC Highway 751 between the site and commercial areas to the north, though it is not a connected network. The nearest bus stop (serviced by Triangle Transit) is approximately 0.8 miles away (Renaissance Parkway and Leonardo Drive). Please refer to Attachment 3 for aerial imagery of the site.

D. Applicant's Plan Amendment Justification

In a statement provided by the applicant, the argument is made that, "the proposed development site has several advantages for higher density development than what the Comprehensive Plan currently calls for." These advantages include "proximity to multiple transportation options, proximity to existing city services, compatibility with neighboring densities, the physical site conditions of the property and demand for product type." Please refer to Attachment 4 for the complete justification statement provided by Haden Stanziale.

Staff Response: The applicant suggests in the submitted justification statement that there has been and will be more demand for growth in Southern Durham than is anticipated through the Future Land Use Map, and that infrastructure and amenities make the area highly suitable for a pattern of growth consistent with Low-Medium Density Residential (4-8 DU/Ac.). The applicant cites several adopted Comprehensive Plan policies related to land use in the Suburban Tier to support their request. While

the applicant believes the proposed designation will contribute to the implementation of goals in the Comprehensive Plan in a way the current land use designation does not, Staff's analysis diverges from that assertion on three key points:

- First is the applicant's assertion that the subject site is at an ideal location for growth because of "multiple transportation routes," including access to Interstate 40 and non-motorized options, specifically the American Tobacco Trail (ATT) and the Eagle Spur Trail (which will traverse this site and connect with the ATT). Staff fully acknowledges that, once completed, these trail facilities will undoubtedly create more opportunities for recreation and provide a transportation choice besides automobile. However, these opportunities would be available regardless of the density this site. In other words, the Eagle Spur connection would be required even if the site were to redevelop at four DU/Acre or less, as is prescribed under current policy.
- Second, the applicant makes several references to infrastructure (City water and sewer, police and fire, and transportation routes) that currently operate with available capacity. City water mains extend along NC Highway 751, and would be able to serve the site if a utility extension agreement is approved. City sewer lines are also present across NC Highway 751 at the southern edge of the site, and would be able to serve a development at this location if a utility extension agreement is approved. Police and fire protection is available to nearby development; however, a service impact analysis is not available. Staff's primary concern is the lack of necessary street infrastructure to support higher density development, specifically between the subject site and the improved segment to the north near Renaissance Parkway. While the applicant is meeting Unified Development Ordinance requirements for roadway improvements, it's important to note cumulative effects of development are creating unaccounted for impacts, such as roadway 'bottlenecks' where the number of lanes expand and contract causing delay and safety hazards.
- Third, the applicant makes the argument that "low-medium density residential development is very appropriate in reducing suburban sprawl while providing a compatible housing option to the area of south Durham." Staff disagrees with the applicant's claim that low-medium density (4-8 DU/Ac.) is a solution to suburban sprawl. "Sprawl" is a subjective term, but it is most broadly associated with a land and resource consumptive pattern of growth. Density, in and of itself, is not an answer to the issues introduced by sprawl. Instead, Staff believes the most effective way to mitigate the impacts of sprawl and to reduce the fiscal impact of providing services is to promote infill development and compact growth. Durham's adopted Future Land Use Plan designates a strategy for compact growth in Downtown, Compact Neighborhood Tiers, and Suburban Transit Areas; the proposed project is outside of these areas.

A further examination of the request according to the four criteria for plan amendments follows.

E. Criteria for Plan Amendments

The Unified Development Ordinance (UDO) contains criteria for the Planning Commission to use in considering proposals to amend the *Durham Comprehensive Plan*. (See Section 3.4.7, Criteria for Planning Commission Recommendations). The proposed plan amendment has been evaluated against these criteria.

- A. Whether the proposed change would be consistent with the intent, goals, objectives, policies, guiding principles and program of any adopted plans;
- B. Whether the proposed change would be compatible with the existing land use pattern and designated future land uses;
- C. Whether the proposed change would create substantial adverse impact in the adjacent area or in the City or County in general; and
- D. Whether the subject parcel is of adequate shape and size to accommodate the proposed change.

1. Plan Consistency

The *Durham Comprehensive Plan* is a policy document intended to guide growth and development in an organized and efficient manner. The Plan addresses a range of topics related to land use, community character, environment and conservation, transportation, and more. Evaluating the proposed plan amendment for consistency with these relevant policies is crucial in determining if changing the Future Land Use Map is appropriate.

Land Use:

Durham Comprehensive Plan Policy 2.5.2e., Demand for Land Uses, states that in evaluating Plan Amendments, the Governing Boards and the City-County Planning Department shall consider the projected need for the requested land use in the future.

Analysis: The intent of this policy is to ensure that sufficient land is available to meet the future demand for housing. The Planning Department estimates that by 2035 there will be demand for 167,000 dwelling units county-wide. On the Future Land Use Map, enough land is designated to accommodate 210,000 dwelling units, meaning there is a surplus of land already designated for residential uses. Increasing residential density outside of designated growth areas does not influence the City and County's ability to supply adequate residential land for

expected population growth. Transportation, water, and environmental impacts are summarized elsewhere in this report.

Durham Comprehensive Plan Policy 2.1.3d., Residential Defined, states that residential development in the Suburban Tier should achieve a range of densities defined in Table 2-1 of the *Durham Comprehensive Plan*.

Analysis: The proposed Low-Medium Density Residential land use, defined as 4-8 Dwelling Units/Acre, fits within the parameters of this policy.

Conservation and Environment:

Durham Comprehensive Plan Policy 7.1.7a., Water Demand Generation Rates, indicates the City-County Planning Department shall consider the impact of proposed zoning and plan amendment changes on water demand.

Analysis: Development allowed under the proposed plan amendment is estimated to generate a maximum demand for water of 34,100 gallons per day (GPD). This represents an increase of water demanded by approximately 17,050 GPD from what development with the adopted Low Density Residential land use designation would allow. Durham has sufficient capacity in water supply to accommodate the change of designation.

Water Supply Impacts	
Current Water Supply Capacity	37.00 MGD
Present Usage	28.06 MGD
Committed to Date (July 2008 – June 2011)	0.70 MGD
Available Capacity	8.24 MGD
Maximum Water Demand Under Adopted Low Density Residential (4 DU/Ac.) ¹	17,050 gallons/day
Maximum Water Demand Under Proposed Low Medium Density Residential (8 DU/Ac.) ²	34,100 gallons/day
Impact of Proposed Plan Amendment	+17,050 gallons/day
Notes: MGD = Million gallons per day	
¹ Maximum water demand of the adopted Future Land Use (LDR: 110 single family units)	
² Maximum water demand of the proposed Future Land Use (LMD: 220 single family units)	

Transportation:

Durham Comprehensive Plan Policy 8.1.2a., Transportation Level of Service Standards (LOS), states that the LOS for roads within the Suburban Tier shall achieve a minimum of LOS D.

Analysis: The major roads impacted by the proposed change in future land use are NC Highway 751 to the east and Stagecoach Road to the south. NC Highway 751 is currently a two lane road designed to accommodate 16,500 average daily trips (ADT), and according to the most recent traffic volume count (2009) there were 12,000 annual average daily trips (AADT) (73% of capacity). Stagecoach Road is designed to accommodate 11,900 ADT, and the most recent traffic volume counts (2009) reported 7,200 AADT (60% of capacity). While there is current capacity on NC Highway 751, the cumulative impact of approved developments with recorded Traffic Impact Analyses (Jordan at Southpoint, Westpoint at 751 and 751 Assemblage), would cause average daily trips on this segment of NC 751 to exceed 120% of the adopted level of service. Comprehensive Plan Policy 8.1.2j. is clear that the City-County Planning Department shall not recommend approval of proposed zoning map changes unless those impacts are mitigated. A more detailed assessment of traffic impacts is included in the zoning map change staff report.

With projected trips exceeding 120% of roadway capacity and surpassing Level of Service standards on this segment of NC Highway 751, changing policy to allow for greater density would not be prudent without comprehensive traffic mitigation measures. While the applicant rightfully explains that townhomes typically generate fewer trips per day than single family homes, a zoning request of any magnitude would encounter similar issues. Despite the trail connection and the relative proximity to bus service (though not within standard walking distance to transit and without connected sidewalks), a development with this land use designation would still act as a predominately auto-oriented development.

Staff Conclusion: The request is not consistent with the intent of the goals, objectives, policies, guiding principles and programs of adopted plans and, therefore, does not meet criterion 3.4.7.A.

2. Compatibility

The site is located west of NC Highway 751, east of the New Hope Creek, south of Massey Chapel Road and north of Stagecoach Road in southern Durham County. The site adjoins the Urban Growth Area boundary and the applicant is seeking annexation into the City of Durham. Over the past decade, growth in this part of Durham has resulted in a transition from rural residential and agricultural uses to low density suburban style subdivisions.

Area Land Uses and Designations		
	Existing Uses	Future Land Use Designations
North	Religious institutional and low density residential	Low Density Residential
East	Single-family residential	Low Density Residential, Recreation and Open Space
South	Corps open space and wildlife mitigation lands associated with Jordan Reservoir	Recreation and Open Space
West	Corps open space and wildlife mitigation lands associated with Jordan Reservoir	Recreation and Open Space

Existing Uses: The site of the proposed plan amendment is bordered to the north by a church and low density residential uses; to the south and west by New Hope Creek and the Army Corps of Engineers' Sub-Impoundment Area; and to the east by single-family units and property owned by the Army Corps.

Future Land Use Designations: According to the adopted Future Land Use Map, areas south and west of the site are expected to remain Recreation and Open Space. Low Density Residential development is expected north of the site, transitioning to higher densities closer to the commercial center and Interstate 40. East of the site is expected to remain Low Density Residential with corridors of Recreation and Open Space.

Staff Analysis: The applicant contends the proposed Low-Medium Density development would be compatible with surrounding densities, citing a number of existing townhome/apartment developments. Higher density development north of the site complies with the adopted Future Land Use Map. Generally speaking, projects south of the site have been approved as Planned Development Residential (PDR), where higher density in certain locations within the development is mitigated by lower density and greater amounts of open space elsewhere within the development. These PDRs have not been approved at a cumulative density greater than four units per acre. An isolated pocket of higher density development that adjoins important open space is not compatible with the existing or anticipated land use patterns.

Staff Conclusion: The proposed plan amendment is incompatible with the existing land use pattern and designated future land uses in the area and, therefore, does not meet criterion 3.4.7.B.

3. Adverse Impacts

The site is adjacent to a Natural Heritage Inventory area identified as the Lower New Hope Creek Floodplain Forest and Slopes and used by the Army Corps of Engineers as a Wildlife Sub-Impoundment for flood control purposes. Hunting is also permitted on this property. While the subject site is not located in the New Hope Creek floodplain, nor are there any tributary streams on site, additional development on site could increase stormwater runoff. However, there is no reason to believe that the site couldn't be developed according to Unified Development Ordinance and stormwater standards.

Staff Conclusion: The proposed plan amendment would not create substantial adverse impact in the adjacent area or in the City or County in general and, therefore, meets criterion 3.4.7.C.

4. Adequate Shape and Size

The area requested for amendment is approximately 27.49 acres and meets the size and shape requirements for residential development in the Suburban Tier.

Staff Conclusion: The site is of adequate shape and size to accommodate the use pursuant to the proposed change and, therefore, meets criterion 3.4.7.D.

F. Notification

Staff certifies that notification, including newspaper advertisements and letters to property owners within 1,000 feet of the site, has been carried out in accordance with Section 3.2.5 of the UDO. The following neighborhood organizations were mailed notices:

- Jordan Lake Resource Management
- Fairfield Community Awareness Committee
- Inter-Neighborhood Council
- Fayetteville Street Planning Group
- Friends of Durham
- Unity in the Community for Progress
- Downing Creek

G. Recommendations

Staff recommends denial based on analysis that the requested future land use designation of Low-Medium Density Residential (4-8 Du/Ac.) is incompatible with the surrounding and future land uses, and is inconsistent with the intent of the goals, objectives, policies, guiding principles and programs of adopted plans. Therefore, the request does not meet the four criteria for plan amendments.

Planning Commission recommended approval at its July 10, 2012 meeting, 8-5, based on information provided in the staff report, the applicant's justification, and meeting the four criteria for plan amendments. See Attachment 5 for further details.

H. Staff Contact

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I. Attachments

Attachment 1, Proposed Change

Attachment 2, Area Context

Attachment 3, Aerial Photograph

Attachment 4, Applicant's Plan Amendment Justification

Attachment 5, Planning Commission Written Comments

Attachment 6, Resolution